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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,599	05/31/2001	Naozumi Jogo	Q64721	7041

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2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

LEE, TOMMY D

ART UNIT PAPER NUMBER

2624

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,599

Applicant(s)

JOGO, NAOZUMI

Examiner

Thomas D. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,4,7,8,10 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20010531.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,687,006 (Namizuka et al.).

Regarding claims 1 and 2, Namizuka et al. disclose an image processing method for processing an electronic image that is picked up from an original, comprising the steps of: selecting, in accordance with content of said original, one of a plurality of filters

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having different moiré-eliminating characteristics from each other (MTF correction filter #1 and moiré removal filter #2 (column 7, lines 42-53)); and filtering said image through said selected filter (column 7, lines 54-62). Said plurality of filters includes a first filter and a second filter that eliminates moiré more than said first filter (moiré removal filter has coefficient for removal of moiré (column 42-53)).

Regarding claims 5 and 9, Namizuka et al. disclose an image processing method for processing an electronic image that is picked up from an original through a scanner, comprising the steps of: preparing a plurality of filters that eliminate moiré to different degrees from each other (column 7, lines 42-53); entering data on content of said original from which said image is picked up (by means of control section (column 6, lines 40-56)); and automatically selecting one of said plurality of filters in accordance with the content or type of said original (character and non-character modes selected on basis of selection from control section (column 7, lines 1-32); and filtering said image through said selected filter (column 7, lines 54-62).

5. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,343,138 (Rhoads).

Rhoads discloses an image processing method for processing an electronic image that is picked up from an original through a scanner, characterized in that when said original contains characters and grayscale images, image signals of said electronic image are filtered through a spatial frequency filter that reduces gain of high frequency components and also raises gain of middle spatial frequency components of an image (mid-spatial-frequency bandpass filter applied to independent random images (from

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grayscale image (column 6, lines 17-22), or image with characters (Fig. 13)) from a scanner (column 7, lines 35-57)).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Namizuka et al.

Namizuka et al. provide a plurality of buttons in correspondence with options about different content of originals, where one of said buttons is pressed in accordance with the content of said original (column 6, lines 40-56; column 7, lines 1-32). While a screen for displaying buttons is not disclosed, it would have been obvious to one of ordinary skill in the art that providing a screen display, as an alternative to providing keys on a keypad, is a technique well known in the art and widely used in machines that require user input for operation. Both methods for inputting instructions are known to work equally well. The use of a screen does not solve a stated problem and is not used for a particular purpose other than for entering instructions, and thus would have been an obvious matter of design choice for one of ordinary skill in the art.

Allowable Subject Matter

8. Claims 3, 4, 7, 8, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose or suggest a first filter that eliminates moiré less than a second filter in an image processing method, wherein said first filter reduces output of high spatial frequency components and also raises output of middle spatial frequency components of an image, as recited in claim 3; or wherein said first filter is selected when said original contains characters and grayscale images, and said second filter is selected when said original mainly contains grayscale images, whereas said first and second filters are not selected when said original mainly contains characters, as recited in claim 4; or an image processing method with a plurality of filters that eliminate moiré to different degrees, including a first filter that reduces output of high spatial frequency components and also raises output of middle spatial frequency components of an image, a second filter that reduces output of high spatial frequency components of an image to a larger degree than said first filter and also reduces output of middle spatial frequency components of the image, and a third filter that reduces output of high spatial frequency components of an image to a smaller degree than the first filter, as recited in claims 7 and 8; or an image processing method with a plurality of filters that eliminate moiré to different degrees, one of which is selected in accordance with a type of an original, wherein the type of an original includes a printer matter, a

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photo-print and an instant photograph as reflective originals which are printed on opaque recording materials and reflect light, as recited in claim 10; or wherein the type of said original is classified according to coloring materials used in said original, as recited in claim 11.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,333,211 (Kanda et al.) and U.S. Patent 5,408,337 (Kanda) both disclose adaptive selection of one of a plurality of smoothing filters for reducing moiré.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (703) 305-4870. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas D. Lee
Primary Examiner
Art Unit 2624

tdl

November 23, 2004